

CIVIL DOCKET  
 UNITED STATES DISTRICT COURT

~~DAUGHERTY~~

COOK

Jury demand date: ~~11/20/74~~ by def.*waived 8-1-75*

D. C. Form No. 106A Rev.

## TITLE OF CASE

## ATTORNEYS

PUBLIC SERVICE COMPANY OF OKLAHOMA,  
 an Oklahoma corporation, and ROYAL  
 INDEMNITY COMPANY

v.

BLACK AND VEATCH

## For plaintiff:

John L. Osmond  
 Dale F. McDaniel  
 2626 E. 21st  
 Tulsa 74114 (749-7771)

## For defendant:

Joe Sharp (582-8877)  
 200 Franklin Bldg.  
 Tulsa 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>12-1-74</i>	Clerk	11/20	J. Sharp	15.00	
J.S. 6 mailed <i>6-1-76</i>	Marshal	11-21-74	C/D #23		15 00
Basis of Action: products liability - breach of contract	Docket fee				
	Witness fees				
Action arose at: Rogers County	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-20-74	1. Petition for removal from Rogers Cty, filed. rm	
11-20-74	2. Bond on removal (\$500), filed. rm	
11-20-74	3. Notice of filing of petition , filed. rm	
11-20-74	4. <u>Answer</u> of defs., filed. rm	
11-20-74	5. <u>Demand</u> for jury trial by def., filed. rm	
11-25-74	6. Acknowledgement of the Clerk of the District Court, Rogers Co., of receipt of copy of notice, pet. & bond for removal, filed.k	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook (FD-J)rm	
2-6-75	MO: Case set for pre-trial hearing on 2-25-75 at 3:30 p.m. (HDC-J)hm	
2-25-75	Pre-trial hearing held. Statements made. Pltf. granted leave to substitute Royal Globe for Pub. Serv. Co. of Okla. as party pltf., if necessary, within 7 days. Case to be set for further pre-trial, if necessary. Pltf. to prepare pre-trial order. Parties state there is possibility of settlement. (HDC-J)hm	
3-31-75	7. Amended Answer of Deft. Black & Veatch, filed. v	
3-31-75	8. Appl. of Deft. for additional time to file pretrial order, filed. v (o)	
3-31-75	9. Mot. of Deft. to make additional party Pltf., filed. v	
3-31-75	10. Brief in support of mot. to make additional party Pltf., filed. v	
3-31-75	MO: Ordered by the Court that Pltf. is granted 10 days from this date to respond to Deft.'s Mot. to make additional party Pltf. (HDC-J)v	
3-31-75	11. Request for production of documents for inspection & copying, filed. v	
3-31-75	12. Interrogatories to Public Service of OK, filed by Deft. v	
4-1-75	13. Order, filed, granting parties until 4-15-75 to file pretrial order. (HDC-J)g	
4-9-75	14. Response to Motion to Make Additional Party Plf., filed. mm	
4-10-75	15. Order, filed, that Royal Indemnity Company be joined as an addit. party pltf. (HDC-J)hm (copies mailed)	
4-14-75	Summons issued to addit. party pltf., w/copy of order & orig. complaint. hm	
4-16-75	16. Applic. for addit. time to file PT order, filed. hm	
4-17-75	17. Order, filed, granting parties until 5-15-75 to file PT order. (HDC-J)hm (copies mailed)	
4-21-75	18. Amendment to complaint, filed. hm (adding Royal Indemnity Company as party pltf.)	
5-7-75	19. Answers to interrogatories, filed. hm	
5-15-75	20. Answer to second amended complaint, filed., with demand for jury trial. hm	
5-23-75	21. Interrogatories, filed by Defendant. mm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	22.	
5-28-75	Pre-trial order, filed. (HDC-J)hm	
6-12-75	MO: Case set for jury trial 8-11-75 at 10:00 a.m. (HDC-J)hm	
6-20-75	23. Answers/ <sup>of Pltf</sup> to Interrogatories, filed.jj	
8-1-75	24. Stipulation for Trial By Court, filed. v	
8-4-75	MO: Ordered that case is stricken from J/T docket of 8-11-75, to be reset for non-jury trial upon further order of the Court. (HDC-J)hm (letter written parties)	
9-8-75	Deposition of Richard I. Jacob, filed. (Costs: \$153.00 pd by pltfs.)hm	
9-8-75	Deposition of Charles Aubert Slocomb, filed. (Dosts: \$48.00 pdy by pltfs.)hm	
11-26-75	MO: Case set for N/J trial 3-15-76 at 10:00 a.m.; parties directed to file trial briefs on or before 2-23-76. (HDC-J)hm	
12-22	25. Motion of pltf. for SJ, with combined <u>trial brief</u> and brief in support of mo/SJ attached, filed. rm	
12-22	MO: Ordered by the Ct. that def. is granted 10 days in which to respond to pltf. MO/SJ.(HDC-J)rm - letter	
1976		
1-6	26. Deft's appl. for add. time to file brief in response to pltf's mo. for S/J, filed. ph	
1-7	Order (part of appl.) granting deft. until 1-20-76 to file re- sponse and brief in support to pltfs' mot. for S/J, filed.(HDC-J)g	
1-27	27. Defts' response to pltfs' motion for S/J and defts' motion for S/J, filed. ph	
1-27	28. Defts' combined trial brief and brief in oppos. to pltfs' motion for S/J and in support of defts' motion for S/J, filed. ph	
2-3-76	MO: It is ordered by the Ct. that the Pltfs. file a responsive brief with 7 days to the Deft's mo. for S/J. (HDC-J)ph cps mld	
2-10	29. Response to Defendant's Mot. for Summary Judgment, filed.t	
2-10	30. Brf. in opposition to Deft's. Mot. for Summary Judg., filed.t	
2-24	MO: Case set for oral arguments on motions for S/J 2-27-76 at 10:00 a.m. (HDC-J)hm (notices sent)	
2-27	MO: Hearing held on pltf's and deft's motions for S/J. Statements made. Pltf's motion for S/J overruled; deft's motion for S/J as to Ct. 1 sustained and overruled as to Ct. 2. Counsel to prepare formal order on hearing. Pltf. directed to file brief within 10 days; deft. 5 days thereafter to respond. (HDC-J)hm	
3-4	Reporter's Transcript of Proceedings had on 2-27-76, filed by Thomas G. Bloxom, R.P.R. v	
3-9	31. Pltf's motion for trial continuance, filed. hm	
3-10	32. Order, filed, granting mo/continuance and resetting N/J trial for 5-3-76 at 10:00 a.m. (HDC-J)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Note
3-25-76	33. Order, filed, that pltfs' motion for S/J is overruled; that deft's motion for S/J is sustained as to first cause of action and overruled as to second cause of action; and that pltfs are granted perm. to file an addit. trial brief & deft. given 10 days thereafter to respond. (HDC-J)hm (copies mailed)	
5-3-76	MO: Case tried to the Court. Opening statements made. Rule invoked. Parties present case in chief w/test. of witnesses and admission of deft's exhibits. Parties rest. Closing arguments made. Interrogatories to Martin Fait filed 6-20-75 offered by deft. & admitted into evidence. Court finds in favor of the deft. & counsel for deft. to prepare journal entry. (HDC-J)hm	
5-3	Trial exhibits, filed. hm	
5-27	Journal entry of judgment, filed and entered in favor of the deft. w/costs of action assessed against the pltfs. (HDC-J)ph cps mld	